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8 **BEFORE THE**  
9 **BOARD OF OPTOMETRY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. CC 2010 222

13 **STIG ERIC STENSLAND**  
10229 Berryessa Drive  
Stockton, California 95219

**A C C U S A T I O N**

14 **Certificate of Registration to Practice**  
15 **Optometry No. 9172**

16 **Statement of Licensure No. 6500**

17 **Statement of Licensure No. 6501**

18 Respondent.

19  
20 Complainant alleges:

21 **PARTIES**

22 1. Mona Maggio (Complainant) brings this Accusation solely in her official capacity as  
23 the Executive Officer of the State of California Board of Optometry, Department of Consumer  
24 Affairs.

25 2. On or about December 21, 1988, the Board of Optometry (Board) issued Certificate  
26 of Registration to Practice Optometry Number 9172 to Stig Eric Stensland (Respondent). The  
27 Certificate was in full force and effect at all times relevant to the charges brought herein and will  
28 expire on June 30, 2014.

3. On or about January 24, 2012, the Board issued Statement of Licensure Number 6500 to Respondent. The Statement of Licensure was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2014.

4. On or about January 24, 2012, the Board issued Statement of Licensure Number 6501 to Respondent. The Statement of Licensure was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2014.

## JURISDICTION

5. This Accusation is brought before the Board of Optometry (Board), under the authority of the following laws. All sections references are to the Business and Professions Code unless otherwise indicated.

6. Code section 493 states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

As used in this section, "license" includes "certificate," "permit," "authority," and "registration."

7. Section 3110 states, in pertinent part:

The board may take action against any licensee who is charged with unprofessional conduct, and may deny an application for a license if the applicant has committed unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

• • • •

(k) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of an optometrist, in which event the record of the conviction shall be conclusive evidence thereof.

(1) Administering to himself or herself any controlled substance or using any of the dangerous drugs specified in Section 4022, or using alcoholic beverages to the extent, or in a manner, as to be dangerous or injurious to the person applying for a license or holding a license under this chapter, or to any other person, or to the public, or, to the extent that the use impairs the ability of the person applying for or holding a

license to conduct with safety to the public the practice authorized by the license, or the conviction of a misdemeanor or felony involving the use, consumption, or self administration of any of the substances referred to in this subdivision, or any combination thereof.

### **COST RECOVERY**

8. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

### **FIRST CAUSE FOR DISCIPLINE**

#### **(Crime Conviction)**

9. Respondent has subjected his license to discipline pursuant to Code section 493 and Section 3110, subdivision (k) in that Respondent was convicted of crimes that are substantially related to the qualification, functions, or duties of a license optometrist, as follow:

10. On or about May 7, 2012, in the Superior Court, County of San Joaquin, California, in the matter entitled *The People of the State of California v. Stig Eric Stensland*, Case Number ST58856A, Respondent was convicted for violating Vehicle Code section 23152(b) (driving under the influence of alcohol with .20 or higher blood alcohol) with Section 23546, a misdemeanor, and Section 14601.2 (a) (driving with a suspended license), a misdemeanor. The circumstances of the crime are that on or about February 7, 2012, Respondent was arrested for driving under the influence of alcohol following a traffic collision.

11. On or about December 7, 2011, in the Superior Court, Country of San Joaquin, California, in the case entitled *The People of State of California v. Stig Eric Stensland*, Case Number ST58237A, Respondent was convicted for violating Vehicle Code section 23152 (b) (driving under the influence of alcohol with .20 or higher blood alcohol level), a misdemeanor. The circumstances of the crime are that on or about May 16, 2011, Respondent was arrested following a traffic stop. Respondent was seen weaving across all lanes and driving at a speed that fluctuated between 65 and 80 mph. When asked to step outside the vehicle, Respondent unable to maintain his balance and his speech was severely slurred and at times incoherent.

1        12. On or about July 18, 2007, in the Superior Court, Country of San Joaquin, California,  
2 in a matter entitled *The People of the State of California v. Stig Eric Stensland*, Case No.  
3 LM36928a, Respondent was convicted on his plea of no contest to a violation of Vehicle Code  
4 section 23152 (a) (driving under the influence of alcohol/drugs), Section 23152 (b) (driving under  
5 the influence of alcohol with .20 or higher blood alcohol level), and Section 23103.5 (reckless  
6 driving involving alcohol, drugs or both), a misdemeanor. The circumstances of the crime are that  
7 on or about April 9, 2007, Respondent was arrested for driving under the influence of alcohol.

8                                    **SECOND CAUSE FOR DISCIPLINE**

9                                    **(Use of Alcohol to an Extent or in a Manner Dangerous or Injurious)**

10        13. Respondent has subjected his license to discipline pursuant to Code section 3110,  
11 subdivision (l), on the grounds of unprofessional conduct, in that on or about May 16, 2011 and  
12 February 7, 2012, Respondent used alcohol to an extent or in a manner dangerous or injurious to  
13 himself or others, as set forth in paragraphs 10 and 11.

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PRAYER

**WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Optometry issue a decision:

1. Revoking or suspending Certificate of Registration to Practice Optometry Number 9172, issued to Respondent Stig Eric Stensland;

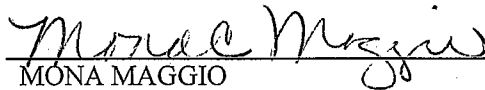
2. Revoking or suspending Statement of Licensure Number 6500 issued to Respondent Stig Eric Stensland;

3. Revoking or suspending Statement of Licensure Number 6501, issued to Respondent Stig Eric Stensland;

4. Ordering Stig Eric Stensland to pay the Board of Optometry the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

5. Taking such other and further action as deemed necessary and proper.

DATED: March 25, 2013

  
MONA MAGGIO  
Executive Officer  
Board of Optometry  
Department of Consumer Affairs  
State of California  
Complainant

SA2012106264